

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROBERT C. TANNER)	
)	
Plaintiff,)	
vs.)	Case No. CIV-12-1049-HE
)	
WAYNE BROUSARD,)	
)	
Defendant.)	

ORDER


Plaintiff Robert C. Tanner, appearing *pro se*, initiated this action without paying the \$350.00 filing fee or filing a motion to proceed *in forma pauperis* (“*ifp*”). Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Robert E. Bacharach. Judge Bacharach ordered plaintiff to cure the deficiencies in his action by either paying the required fee or filing a motion for leave to proceed *ifp* [Doc. #4]. As plaintiff did not comply and the deficiencies remain, Judge Bacharach recommends that plaintiff’s action be dismissed without prejudice [Doc. #7]. Objections to the magistrate judge’s report and recommendation were due by November 5, 2012.

Plaintiff, having failed to object to the report and recommendation, has waived his right to review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Accordingly, the court **ADOPTS** Magistrate Judge Bacharach’s Report and

Recommendation [Doc. #7] and the action is **DISMISSED without prejudice.**

IT IS SO ORDERED.

Dated this 14th day of November, 2012.



JOE HEATON
UNITED STATES DISTRICT JUDGE